

STATE OF MICHIGAN  
DEPARTMENT OF LABOR AND ECONOMIC GROWTH  
OFFICE OF FINANCIAL AND INSURANCE REGULATION  
Before the Commissioner of Financial and Insurance Regulation

Thurman J. Ramsey, Jr.,  
Petitioner

v

Case No. 08-708-L  
Docket No. 2008-1020

Office of Financial and Insurance  
Regulation,  
Respondent

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For the Petitioner:

Thurman J. Ramsey, Jr.  


For the Respondent:

William R. Peattie  
Office of Financial & Insurance  
Regulation  
P.O. Box 30220  
Lansing, MI 48909

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Issued and entered  
this 21<sup>st</sup> day of November 2008  
by Ken Ross  
Commissioner

**FINAL DECISION**

This case involves Petitioner's January 2008 application for a Michigan nonresident insurance producer license. Petitioner was denied the requested license in February 2008 in a decision issued by Chief Deputy Commissioner Frances Wallace. Petitioner has appealed that decision.

A hearing was held on September 2, 2008. Petitioner represented himself at the hearing, participating by telephone from North Carolina where he resides. Petitioner was also the only witness at the hearing. Five exhibits were accepted into the record. The administrative law judge issued a Proposal for Decision on September 23, 2008 and recommended that the

Commissioner grant Petitioner the requested nonresident insurance producer license.

Respondent filed exceptions on October 13, 2008.

Evaluating applications for nonresident insurance producer licenses involves three sections of the Michigan Insurance Code: 1204e, 1206a, and 1239. The relevant parts of those sections are reprinted below.

Section 1204e (MCL 500.1204e):

(1) The commissioner shall waive any requirements for a nonresident license applicant with a valid license from his or her home state, except the requirements under section 1206a, if the applicant's home state awards nonresident licenses to residents of this state on the same basis.

Section 1206a (MCL 500.1206a):

(1) Unless denied licensure under section 1239, a nonresident person shall receive a nonresident insurance producer license if he or she meets all of the following:

- (a) Is currently licensed as a resident and in good standing in his or her home state.
- (b) Has submitted the proper request for licensure and has paid the applicable fees required by section 240.
- (c) Has submitted or transmitted to the commissioner the application for licensure that the person submitted to his or her home state or a completed uniform application as required by the commissioner.
- (d) The person's home state awards nonresident producer licenses to residents of this state on the same basis.

Sec. 1239 (MCL 500.1239):

(1) In addition to any other powers under this act, the commissioner may place on probation, suspend, revoke, or refuse to issue an insurance producer's license or may levy a civil fine under section 1244 or any combination of actions for any 1 or more of the following causes:

\* \* \*

(h) Using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.

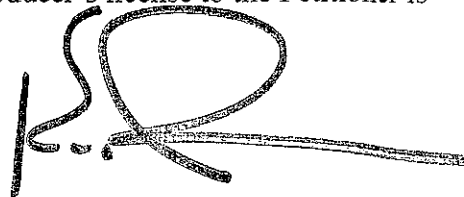
Taken together, these sections provide that, when certain routine preconditions have been met, a nonresident license will be issued unless the licensed is denied pursuant to section 1239. In this case, the license denial was based on section 1239(1)(h). In denying a license, Deputy Commissioner Wallace concluded that Petitioner's misdemeanor conviction for "breach of trust with fraudulent intent (under \$200.00)" demonstrated untrustworthiness and financial irresponsibility. Petitioner now characterizes his conduct as a "mistake." However, his conduct caused his arrest and resulted in a conviction two weeks later (Exhibits 2 and 3).

The Commissioner concludes that license denial was the correct decision. The conviction, by its very title, expresses the essence of untrustworthiness and irresponsibility in a financial transaction. Petitioner, while employed as a cashier, failed to scan grocery items at checkout. The items were two cases of beer and a six pack of beer.

The findings and conclusions in the Proposal for Decision, other than Finding of Fact #3, are not adopted.

### ORDER

The refusal to issue a nonresident insurance producer's license to the Petitioner is upheld.

A handwritten signature in black ink, appearing to be 'K. Ross', written over a horizontal line.

Ken Ross  
Commissioner